



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 070639/0130

#4  
S.I.  
10-02-03

Applicant: Hiroyuki ISHIKAWA

Title: MOVING PICTURE ENCODING METHOD AND MOVING PICTURE  
ENCODING APPARATUS

Serial No. 09/635,892

Filed: September 1, 2000

Examiner: Unknown

Art Unit: 2621

**RECEIVED**

SEP 29 2003

Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith are additional comments from a foreign patent examiner for a counterpart Japanese patent application. No references are being submitted with this IDS, since the additional comments from the foreign patent examiner relate to the references submitted via an IDS, on July 1, 2003.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and the PTO is authorized to obtain the requisite fee from Foley & Lardner Deposit Account #19-0741.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Japanese Office Action that issued August 26, 2003 with respect to a counterpart Japanese patent application is provided below.

"In Claims 1, 2, 7 and 8, it is stated that the scene average is computed after updating the frame average; however, since it is not clearly stated whether said scene average is computed directly from the absolute difference or from the frame average, it is unclear whether updating of the frame average is reflected in the value of the scene average or not (If it is computed directly from the absolute difference, there will be no change in the scene average even if the frame average is updated, and it will not be possible to "prevent the scene average from becoming distorted" as stated in the "Means for solving the problem" section of the Detailed description of the invention. Furthermore, paragraph {0042} of the Detailed description of the invention states that "the average of the frame averages is determined for each scene").

Thus, the inventions as per Claims 1, 2, 7 and 8, and Claims 3 through 6 and 9 through 12, which cite said Claims 1 and 7, are not clear."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Respectfully submitted,

September 26, 2003  
Date

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